

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday September 15, 2017
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

CALL TO ORDER Presiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALL Presiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

MINUTES:

- The drafted Minutes of the Regular Meeting of August 18 and 23, 2017 Regular and Special Meetings were considered for approval.

Presiding Appellate Officer Chairman Liotta presented the minutes of the August 18 and 23, 2017 Regular and Special Meetings for approval.

Motion: Commissioner Russell made a motion to approve the minutes of the August 18 and 23, 2017 Regular and Special Meetings.

Second: Presiding Appellate Officer Chairman Liotta

Abstain: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

O'Neal R. Gillispie v. Estes Express Lines Inc. & New Hampshire Ins. Co., File #CM2014-03399K

Claimant & Respondent both filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf represented the Claimant. J. Nick Crews represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to remand the Administrative Law Judge's order for specific findings on PTD Status and instruct Commission Counsel or other staff member to draft a proposed order to that effect for consideration of adoption at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REMANDED

Angela M. Evans v. Albertsons LLC & Indemnity Insurance Co. of North America, File #CM2015-02164J

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Brad W. Wicker is the attorney of record for the Claimant and Donald A. Bullard is the attorney of record for the Respondent.

Terri Phillips appeared on behalf of Respondent. After contacting Claimant's counsel, Ms. Phillips announced that the attorney assigned to appear on behalf of Claimant did not receive notice of the hearing. Respondent agreed to continue the matter until the next available hearing date.

Presiding Appellate Officer Chairman Liotta announced that the Commission en Banc will continue the appeal hearing until the next available hearing date before the Commission en banc.

THE CASE WAS: CONTINUED

Ismael Hernandez v. DCP Midstream & DCP Midstream, LLC, & American Zurich Insurance, File #CM2015-04163A

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. G. Todd Ralstin and L. Randall Lee represented the Claimant. Gary D. Long and David Brenner represented the Respondent.

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take the matter under advisement to be considered for continued action at a future a meeting.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE CASE WAS: TAKEN UNDER ADVISEMENT

Luis Solorzano v. Action Group Staffing & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2015-08364L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Arthur Adams represented the Claimant and Jennifer Ahrend represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to modify the Administrative Law Judge's order to recalculate Claimant's average weekly wage to \$454.79 based on the method provided in 85A O.S. §59(A)(2) and (B) and instruct Commission Counsel or other staff member to draft a proposed order to that effect for consideration of adoption at a future meeting..

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER REMANDED

Stephanie Clark v. Hope Community Services, Inc. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2016-03081A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Stephanie Clark represented herself pro se and Steve A. Weeks represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Ann Congtang v. BOS Solutions Inc., & Argonaut Insurance Co, File #CM2016-04107K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis represented the Claimant and Kelly Bodell represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Kevin M. Littleton v. Cat Spec LTD & Liberty Insurance Corp, File #CM2016-08380J

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Kathryn Black represented the Claimant. Clark P. Bushyhead represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Jason S. McDaniel v. Woods Pumping Service Inc. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2016-08482K

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Joe Farnan represented the Claimant and Warren E. Mouledoux, III represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Announcements

Commission's next regular business meeting is Thursday, October 19, 2017. Commission's next meeting regarding appeals is scheduled for Friday, September 29, 2017.

ADJOURNMENT

Motion: Presiding Appellate Officer Chairman Liotta moved to adjourn the meeting at approximately 2:33 p.m.

Second: Commissioner Tilly

Those Voting Aye: Presiding Appellate Officer Chairman Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.